

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

MONEC HOLDING AG,

Plaintiff/Counterclaim Defendant,

v.

APPLE INC.,

Defendant/Counterclaim Plaintiff

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Civil Action No. 1:09-CV-312
(LMB/JFA)

**DECLARATION OF JONI B. REICHER IN SUPPORT OF
DEFENDANT APPLE INC.'S MOTION TO TRANSFER VENUE TO THE
NORTHERN DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1404(a)**

I, Joni B. Reicher, hereby declare:

1. I am employed as a Senior Director in Human Resources at Apple Inc. ("Apple") in Cupertino, California. I have been employed by Apple since July 2002. I provide this declaration in support of Apple's motion to transfer this case from the Eastern District of Virginia to the Northern District of California. Unless otherwise indicated below, the statements in this declaration are based upon my personal knowledge or corporate records maintained by Apple in the ordinary course of business.
2. Apple is a California corporation headquartered in Cupertino in the Northern District of California.
3. Apple designs, manufactures, and markets personal computers, portable digital music players, and mobile communication devices and sells a variety of related software, services, peripherals, and networking solutions.

4. I understand that, in its Complaint against Apple, Monec Holding AG alleges that the iPhone, alone and in combination with Apple products and services, is infringing the patent-in-suit. I understand that the Complaint also referred to applications available on Apple's App Store.

5. Apple has approximately 7,800 employees who work in its headquarters in Cupertino, many of whom are involved on projects relating to the iPhone and the App Store.

6. The research, design, and development for the iPhone and App Store took place in Cupertino. Virtually all Apple business documents and records relating to the research, design, development, and product revenue for these products are similarly located in Cupertino. The decisions regarding marketing, sales, and pricing of these products occurred in Cupertino.

7. Based on the information that Apple has gathered to date, I understand that the following current Apple employees may have relevant knowledge regarding the iPhone or electronic book applications for the iPhone on the App Store:

Employee Name	Location	Title/Department	Areas of Potential Knowledge
Steve Zadesky	Cupertino, California	Director of iPod Product Design	Design and development of the iPhone
Christopher Stringer	Cupertino, California	Senior Director of Industrial Design	Design and development of the iPhone
Richard Howarth	Cupertino, California	Director of Industrial Design	Design and development of the iPhone
Shawn Gettemy	Cupertino, California	Manager, iPod & iPhone Displays	Design and development of the iPhone

Cindy Lawrence	Cupertino, California	Senior Manager of Worldwide Developer Relations	Electronic book applications for the iPhone on the App Store
Mary Beth James	Cupertino, California/ Seattle, Washington	Manager, Worldwide Developer Relations	Electronic book applications for the iPhone on the App Store
Charles Lancaster	Cupertino, California	Senior Director of Worldwide Financial Planning and Analysis	Sales information for the iPhone
Robert Borchers	Cupertino, California	Senior Director of Product Marketing for the iPhone	Marketing of the iPhone
Michael Culbert	Cupertino, California	Senior Director of Platform Architecture	Apple's MessagePad product

All of these witnesses reside in or near Cupertino. The exception is Cindy Lawrence, who resides in Seattle, Washington. Ms. Lawrence regularly travels to Apple's headquarters and has an office there. Except for Ms. Lawrence, all foreseeable Apple witnesses regarding the iPhone or electronic book applications for the iPhone are in Northern California. None is located within 100 miles of the Eastern District of Virginia.

8. As of June 4, 2009, Apple had 210 retail stores in the United States. Only six retail stores are located in Virginia. The Apple retail stores in Virginia are engaged only in sales, service, and marketing activities. I am unaware of any employee in the Virginia retail stores that could be characterized as a relevant witness regarding the products at issue in this litigation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 19th day of June, 2009 in Cupertino, California.


Joni B. Reicher